

DELEGATION OF AUTHORITY

DATE: 3-2-2017

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION AND LIABILITY ACT (CERCLA)

14-14-I. Small Business and Brownfields Liability Clarifications

1. PURPOSE AND LEGAL AUTHORITY.

A. Purpose. To redelegate the authorities contained in Delegation 14-14-I issued by EPA Headquarters on February 1, 2017.

B. Authority.

- a. To exercise authority pursuant to Section 107(o)(2)(A) (regarding exceptions to the de micromis exemption) and section 107(p)(2) (regarding exceptions to the municipal solid waste exemption).
- b. To exercise authority pursuant to Section 107(q)(3) (regarding issuance of no action assurances and grants of protection against a cost recovery or contribution action under Section 113(f) to contiguous property owners).
- c. To exercise authority pursuant to Section 107(r) (regarding agreements to obtain a lien on other property or to obtain other satisfactory assurance of payment for unrecovered response costs regarding the prospective purchaser exemption).
- d. To exercise authorities pursuant to Section 107(o)-(r) other than those specified in paragraphs 1.B.a. through 1.B.c. above, and in paragraphs 1.a and 1.b in Delegation 14-14-I issued by EPA on February 1, 2017.

2. TO WHOM REDELEGATED.

A. The authorities in paragraphs 1.B.a. through 1.B.d are redelegated to the Director, Office of Site Remediation and Restoration (OSRR).

3. REDELEGATION AUTHORITY.

A. The authorities in 1.B.a. and 1.B.b. may be redelegated to the Branch Chief level, and no further.

B. The authorities in paragraphs 1.B.c. and 1.B.d. may be redelegated to the Section

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Chief level, and no further.

C. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

4. LIMITATIONS.

A. Prior to exercising the authorities in 1.B.a. through 1.B.d., the Director, OSRR shall obtain concurrence from the Superfund Legal Manager, Legal Enforcement Office, OES, or his/her designee, unless this concurrence is waived by the Superfund Legal Manager.

B. The Director, OSRR, must exercise the authorities in 1.B.a. and 1.B.c. in consultation with the AA for OECA. The AA for OECA may waive, in whole or in part, any of these limitations by memorandum.

C. The Director, OSRR, must consult with the federal natural resource trustee when exercising the authority in 1.B.a. regarding natural resource restoration.

D. The Director, OSRR, must obtain the concurrence of the Regional Administrator (RA) and the AA for OECA prior to exercising the authority in 1.B.b. The AA for OECA may waive, in whole or in part, this limitation by memorandum.

E. The authorities in 1.B.a. through 1.B.d. may not be redelegated without the concurrence of the Regional Directives Officer, Office of Administration and Resource Management, Human Resources Office.

F. The AA for OECA must notify the appropriate RA when exercising the authorities in paragraph 1.B.a.

G. When the AA for OECA exercises the authority in paragraph 1.B.a. regarding natural resource restoration, the AA for OECA must consult with the federal natural resource trustee.

5. ADDITIONAL REFERENCES.

A. Section 107 of CERCLA.

B. Sections 102, 221 and 222 of the Small Business Liability Relief and Brownfields Revitalization Act.

C. U.S. Environmental Protection Agency (EPA) Delegation 14-26, *Federal Lien*.

D. EPA Delegation 14-42, *Concurrence in the Exercise of Authority under CERCLA*

**ENVIRONMENTAL PROTECTION AGENCY
REGION 1 - BOSTON**

**CLASS. NO. 1200
DELEGATION NO.: 14-14-I**

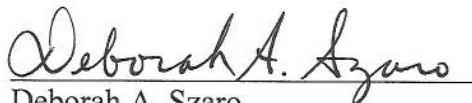
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Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense and Energy.

E. Executive Order 13308, June 20, 2003.

6. SUPERSESSION. Region I Delegation 14-14-I, dated January 13, 2004.



Deborah A. Szaro
Regional Administrator

3/2/17

Date